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April 28, 2014

Via ECF

The Honorable Denise L. Cote
United States District Court Judge
Southern District of New York
500 Pearl St., Room 1610
New York, NY 10007-1312

Re: *In re: Electronic Books Antitrust Litig.*, No. 11-md-02293 (DLC);
The State of Texas v. Penguin Group (USA), Inc., No. 12-cv- 3394 (DLC)

Plaintiffs write to update the Court as to events of last week. On Wednesday, April 23, 2014, Apple filed a motion for an emergency stay of class notice and the damages trial – including an administrative stay of class notice being distributed to consumers pending its motion – with the Second Circuit. The Class and the States opposed Apple’s motion on Friday morning, and provided the Second Circuit with this Court’s ruling denying Apple’s stay. Late Friday afternoon Judge Peter W. Hall granted Apple’s request for an administrative stay of class notice being distributed to consumers and referred Apple’s stay motion to a three judge panel. *See* Attachment A hereto.

Plaintiffs advised the notice administrator immediately; the retailers have all been instructed not to disseminate any notice (including notice to consumers in the Plaintiff States) until further instructions are received.

Respectfully,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Steve W. Berman

Steve W. Berman

ATTACHMENT A

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of April, two thousand and fourteen.

Before: Peter W. Hall,
Circuit Judge.

United States of America, *et al.*,

Plaintiffs-Appellees,

v.

Apple, Inc., Simon & Schuster, Inc., Verlagsgruppe
George Von Holtzbrinck GMBH, Holtzbrinck Publishers,
LLC, DBA Macmillan, Simon & Schuster Digital Sales, Inc.,

Defendants-Appellants.

ORDER

Docket Nos. 13-3741(L)
13-3748(con)
13-3783(con)
13-3857(con)
13-3864(con)
13-3867(con)

In Re: Electronic Books Antitrust Litigation

Apple Inc.,

Petitioner,

v.

Docket No. 14-1092

Anthony Petru, *et al.*,

Respondents.

Apple Inc. has filed an emergency motion seeking a stay of class notification and a stay of the damages trial that is scheduled to commence in July 2014, pending appeal. Apple also requests an administrative stay of the class notification (scheduled to commence on April 28, 2014) while the Court determines the request for a stay pending appeal.

IT IS ORDERED that the request for a stay of class notification and for a stay of the damages trial, pending appeal, is hereby REFERRED to a three-judge panel. IT IS FURTHER

ORDERED that the request for an administrative stay of the class notification (scheduled to commence on April 28, 2014) is GRANTED.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal. The seal is red and blue, with the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, separated by stars.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

This block contains a second instance of the handwritten signature "Catherine O'Hagan Wolfe" over the same circular official seal of the United States Second Circuit Court of Appeals as seen in the signature block above.